



February 16, 2007

HOUSE BILL No. 1503

DIGEST OF HB 1503 (Updated February 14, 2007 1:44 pm - DI 107)

Citations Affected: IC 16-35; IC 31-33; IC 36-2.

Synopsis: Coroners and child deaths. Requires the state department to adopt rules: (1) for hospitals and physicians to identify suspicious deaths of children; and (2) to certify a child death pathologist. Allows a local child fatality review team or the statewide child fatality review committee to subpoena documents regarding a death that the team is reviewing. Requires a certified child death pathologist (CCDP) to: (1) consult with the coroner; (2) conduct certain autopsies; and (3) perform certain duties. Requires a coroner to notify a local or the statewide child fatality review team of: (1) each death of a person less than 18 years of age; and (2) a possible SIDS death. Requires a coroner to consult with a CCDP to determine if an autopsy is necessary if a person who died is less than 18 years of age. Provides procedures if a coroner and CCDP do not agree if an autopsy is necessary of a person less than 18 years of age. Makes it a Class B infraction if a person knowingly or intentionally fails to contact a coroner or law enforcement agency of the discovery of a body of a child less than 1 year old who has died. Requires a coroner to obtain court approval to make an autopsy report confidential. Requires a coroner to make an autopsy report available to the department of child services or fatality review teams. Repeals the chapter concerning the commission on forensic sciences. Repeals language regarding a coroner charging another county for the costs of an autopsy of a resident of the other county. Makes conforming amendments.

Effective: July 1, 2007.

**Orentlicher, Summers,
Harris T, Bardon**

January 23, 2007, read first time and referred to Committee on Family, Children and Human Affairs.
February 15, 2007, amended, reported — Do Pass.

HB 1503—LS 7726/DI 107+



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February 16, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1503

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-35-7 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2007]:

4 **Chapter 7. Deaths of Children**

5 **Sec. 1. The state department may receive funds from any source**
6 **and expend the funds for the administration of this chapter.**

7 **Sec. 2. The state department shall adopt rules under IC 4-22-2**
8 **for hospitals and physicians to identify suspicious deaths of**
9 **children who are less than eighteen (18) years of age.**

10 **Sec. 3. (a) The state department shall adopt rules under**
11 **IC 4-22-2 to certify a child death pathologist and to require special**
12 **training to conduct autopsies on child fatalities.**

13 **(b) A child death pathologist must be a physician:**

14 **(1) who:**

15 **(A) is certified by the American Board of Pathology; or**

HB 1503—LS 7726/DI 107+



(B) holds an unlimited license to practice medicine in Indiana and acts under the direction of a physician certified by the American Board of Pathology; and

(2) who:

(A) has received special training; or

(B) has experience;

in the area of child fatalities.

(c) The state department must approve an annual training program or provide a training program for certified child death pathologists concerning new procedures for child death investigations.

(d) To maintain certification, a child death pathologist must complete annual training concerning new procedures for child death investigation that is approved by the state department under subsection (c).

SECTION 2. IC 31-33-24-7, AS ADDED BY P.L.145-2006, SECTION 287, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A child fatality review consists of determining:

(1) whether similar future deaths could be prevented; and

(2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the local child fatality review team shall review every record concerning the deceased child that is held by the department.

(c) A local child fatality review team may subpoena records from hospitals, physicians, and mental health professionals regarding a death the local child fatality review team is investigating.

SECTION 3. IC 31-33-25-7, AS ADDED BY P.L.145-2006, SECTION 288, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A child fatality review conducted by the statewide child fatality review committee under this chapter must consist of determining:

(1) whether similar future deaths could be prevented; and

(2) agencies or resources that should be involved to adequately prevent future deaths of children.

(b) In conducting the child fatality review under subsection (a), the statewide child fatality review committee shall review every record concerning the deceased child that is held by:

(1) the department of child services; or

(2) a local child fatality review team.

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(c) The statewide child fatality review committee may subpoena records from hospitals, physicians, and mental health professionals regarding a death the statewide child fatality review committee is investigating.

SECTION 4. IC 36-2-14-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5.** As used in this chapter, "certified child death pathologist" means a physician:

(1) who:

(A) is certified by the American Board of Pathology; or

(B) holds an unlimited license to practice medicine in Indiana and acts under the direction of a physician certified by the American Board of Pathology; and

(2) who has been certified by the state department under IC 16-35-7-4.

SECTION 5. IC 36-2-14-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5.5.** A certified child death pathologist shall:

(1) consult with a coroner concerning a death described in section 6.3(b) of this chapter;

(2) conduct an autopsy of a child as described in sections 6.3(d) and 6.7(a) of this chapter; and

(3) perform duties described in section 6.7(f) and 6.7(g) of this chapter.

SECTION 6. IC 36-2-14-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.3.** (a) A coroner shall notify:

(1) the local child fatality review team; or

(2) if the county does not have a local child fatality review team, the statewide child fatality review committee;

of each death of a person who is less than eighteen (18) years of age, or appears to be less than eighteen (18) years of age.

(b) If a child less than eighteen (18) years of age dies, the coroner shall consult with a certified child death pathologist to determine if an autopsy is necessary. If a coroner and the certified child death pathologist disagree over the need for an autopsy, the certified child death pathologist shall file a report with the local child fatality review team and, if the county does not have a local child fatality review team, with the statewide child fatality review committee. The certified child death pathologist shall indicate the basis of the disagreement in the report.

(c) If a local child fatality review team or the statewide child

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fatality review committee receives a report described in subsection (b), the fatality review team or statewide child fatality review committee shall determine if the autopsy is necessary. If the autopsy is considered necessary, a certified child death pathologist shall conduct the autopsy within twenty-four (24) hours. If the autopsy is not considered necessary, the autopsy shall not be conducted.

(d) If a child death pathologist and coroner agree under subsection (b), the child death pathologist shall conduct the autopsy of the child.

(e) If a coroner determines an autopsy report described in this chapter needs to be confidential due to a pending criminal investigation, the coroner must obtain the approval of the circuit or superior court of the county to make the report confidential.

SECTION 7. IC 36-2-14-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.7. (a) This section applies to a child who:

- (1) died suddenly and unexpectedly;
- (2) was less than three (3) years of age, but more than one (1) week of age at the time of death; and
- (3) was in apparent good health before dying.

(b) A certified child death pathologist shall conduct an autopsy of a child whose death is described in subsection (a).

(c) A county coroner may not certify the cause of death of a child whose death is described in subsection (a) until an autopsy is performed at county expense.

(d) The county coroner shall contact the parent or guardian of a child whose death is described in subsection (a) and notify the parent or guardian that an autopsy will be conducted at county expense.

(e) The certified child death pathologist shall:

- (1) ensure that a tangible summary of the autopsy results is provided;
- (2) provide informational material on the subject concerning sudden infant death syndrome; and
- (3) except if the release of autopsy results would jeopardize a law enforcement investigation, provide notice that a parent or guardian has the right to receive the full autopsy results; within one (1) week after the autopsy to the parents or guardian of the child.

(f) If a parent or guardian of a child described in subsection (a) requests the full autopsy results of the child, the certified child

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death pathologist shall provide the full autopsy results to the parent or guardian within thirty (30) days of the request at no cost.

(g) A coroner shall notify:

(1) a local child fatality review team; or

(2) if the county does not have a local child fatality review team, the statewide child fatality review committee;

of each death described in subsection (a).

SECTION 8. IC 36-2-14-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person who knowingly or intentionally fails to immediately notify the coroner or a law enforcement agency of the discovery of the body of a person who: ~~has died:~~

(1) ~~has died~~ from violence; or

(2) ~~has died~~ in an apparently suspicious, unusual, or unnatural manner; or

(3) ~~has died and is less than one (1) year of age;~~
commits a Class B infraction.

(b) A person who, without the permission of the coroner or a law enforcement officer, knowingly or intentionally moves or transports from the scene of death the body of a person who has died:

(1) from violence; or

(2) in an apparently suspicious, unusual, or unnatural manner;
commits a Class D felony.

SECTION 9. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

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- 1 (A) the probable cause of death;
- 2 (B) the probable manner of death; and
- 3 (C) the probable mechanism of death.
- 4 (6) The location to which the body was removed, the person
- 5 determining the location to which the body was removed, and the
- 6 authority under which the decision to remove the body was made.
- 7 (7) The records required to be filed by a coroner under section 6
- 8 of this chapter and the verdict and the written report required
- 9 under section 10 of this chapter.
- 10 (b) A county coroner or a coroner's deputy who receives an
- 11 investigatory record from a law enforcement agency shall treat the
- 12 investigatory record with the same confidentiality as the law
- 13 enforcement agency would treat the investigatory record.
- 14 (c) Notwithstanding any other provision of this section, a coroner
- 15 shall make available a full copy of an autopsy report, other than a
- 16 photograph, video recording, or audio recording of the autopsy, upon
- 17 the written request of the next of kin of the decedent or of an insurance
- 18 company investigating a claim arising from the death of the individual
- 19 upon whom the autopsy was performed. The insurance company is
- 20 prohibited from publicly disclosing any information contained in the
- 21 report beyond that information that may otherwise be disclosed by a
- 22 coroner under this section. This prohibition does not apply to
- 23 information disclosed in communications in conjunction with the
- 24 investigation, settlement, or payment of the claim.
- 25 (d) Notwithstanding any other provision of this section, a coroner
- 26 shall make available a full copy of an autopsy report, other than a
- 27 photograph, a video recording, or an audio recording of the autopsy,
- 28 upon the written request of:
- 29 (1) the director of the division of disability and rehabilitative
- 30 services established by IC 12-9-1-1;
- 31 (2) the director of the division of mental health and addiction
- 32 established by IC 12-21-1-1; or
- 33 (3) the director of the division of aging established by
- 34 IC 12-9.1-1-1;
- 35 in connection with a division's review of the circumstances surrounding
- 36 the death of an individual who received services from a division or
- 37 through a division at the time of the individual's death.
- 38 (e) **Notwithstanding any other provision of this section, a**
- 39 **coroner shall make available a full copy of an autopsy report,**
- 40 **including a photograph, a video recording, or an audio recording**
- 41 **of the autopsy, to:**
- 42 (1) the department of child services established by

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1 **IC 31-25-1-1, including an office of the department located in**
 2 **the county where the death occurred;**

3 **(2) the statewide child fatality review committee established**
 4 **by IC 31-33-25-6; or**

5 **(3) a county child fatality review team or regional child**
 6 **fatality review team established under IC 31-33-24-6 by the**
 7 **county or for the county where the death occurred;**

8 **for purposes of the entities described in subdivisions (1) through**
 9 **(3) conducting a review or an investigation of the circumstances**
 10 **surrounding the death of a child (as defined in IC 31-9-2-13(d)(1))**
 11 **and making a determination whether the death of the child was a**
 12 **result of abuse, abandonment, or neglect.**

13 SECTION 10. IC 36-2-14-20 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. ~~(a)~~ Except as
 15 provided in subsection ~~(b)~~ and IC 4-24-4-1, if an Indiana resident:

16 ~~(1)~~ dies in an Indiana county as a result of an incident that
 17 occurred in another Indiana county; and

18 ~~(2)~~ is the subject of an autopsy performed under the authority and
 19 duties of the county coroner of the county where the death
 20 occurred;

21 the county coroner shall bill the county in which the incident occurred
 22 for the cost of the autopsy, including the physician fee under section
 23 6(d) of this chapter.

24 ~~(b)~~ **(a)** Except as provided in subsection ~~(a)~~ and IC 4-24-4-1,
 25 payment for the costs of an autopsy requested by a party other than the:

26 (1) county prosecutor; or

27 (2) county coroner;

28 of the county in which the individual died must be made by the party
 29 requesting the autopsy.

30 ~~(c)~~ **(b)** This section does not preclude the coroner of a county in
 31 which a death occurs from attempting to recover autopsy costs from the
 32 jurisdiction outside Indiana where the incident that caused the death
 33 occurred.

34 SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE
 35 JULY 1, 2007]: IC 4-23-6; IC 34-30-2-4.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1503, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 12.

Page 3, delete lines 17 through 19.

Page 3, line 20, delete "2." and insert "1.".

Page 3, line 22, delete "3." and insert "2.".

Page 3, line 25, delete "4." and insert "3.".

Page 4, delete lines 4 through 27.

Page 5, delete lines 17 through 20.

Page 5, line 34, delete "of the regional".

Page 5, line 35, delete "office of the state medical examiner".

Page 5, delete line 42.

Delete page 6.

Page 7, delete lines 1 through 31.

Page 7, line 41, delete "in the".

Page 7, line 42, delete "regional office of the state medical examiner".

Page 8, between lines 18 and 19, begin a new paragraph and insert:

"(e) If a coroner determines an autopsy report described in this chapter needs to be confidential due to a pending criminal investigation, the coroner must obtain the approval of the circuit or superior court of the county to make the report confidential."

Page 8, line 27, delete "in the regional office of".

Page 8, line 28, delete "the state medical examiner".

Page 8, delete lines 37 through 40.

Page 8, line 41, delete "(f)" and insert "(e)".

Page 9, line 9, delete "(g)" and insert "(f)".

Page 9, line 13, delete "(h)" and insert "(g)".

Page 9, delete lines 18 through 42.

Delete pages 10 through 11.

Page 12, delete lines 1 through 2.

Page 12, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 14. IC 36-2-14-18, AS AMENDED BY P.L.141-2006, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying

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the following:

- (1) The name, age, address, sex, and race of the deceased.
- (2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.
- (3) The name of the agency to which the death was reported and the name of the person reporting the death.
- (4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.
- (5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:
 - (A) the probable cause of death;
 - (B) the probable manner of death; and
 - (C) the probable mechanism of death.
- (6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.
- (7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, a video recording, or an audio recording of the autopsy, upon the written request of:

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- (1) the director of the division of disability and rehabilitative services established by IC 12-9-1-1;
- (2) the director of the division of mental health and addiction established by IC 12-21-1-1; or
- (3) the director of the division of aging established by IC 12-9.1-1-1;

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

(e) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, including a photograph, a video recording, or an audio recording of the autopsy, to:

- (1) the department of child services established by IC 31-25-1-1, including an office of the department located in the county where the death occurred;**
- (2) the statewide child fatality review committee established by IC 31-33-25-6; or**
- (3) a county child fatality review team or regional child fatality review team established under IC 31-33-24-6 by the county or for the county where the death occurred;**

for purposes of the entities described in subdivisions (1) through (3) conducting a review or an investigation of the circumstances surrounding the death of a child (as defined in IC 31-9-2-13(d)(1)) and making a determination whether the death of the child was a result of abuse, abandonment, or neglect."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1503 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 10, nays 0.

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